

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI**

ANTONIO JOHNSON,	:	Case No. 1:23-cv-39
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Karen L. Litkovitz
v.	:	
	:	
ODRC, et al.,	:	
	:	
Defendants.	:	

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**ENTRY AND ORDER ADOPTING REPORTS AND RECOMMENDATIONS  
(Docs. 17, 21, & 22)**

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This action is before the Court upon the Reports and Recommendations of United States Magistrate Judge Karen L. Litkovitz (Docs. 17, 21, & 22), to whom this case is referred pursuant to 28 U.S.C. § 636(b). In these Reports, Magistrate Judge Litkovitz recommends that Plaintiff's Motions for Preliminary Injunctions (Docs. 15 & 18) and Motion for Outside Medical Attention (Doc. 19) be denied. (*See Reports, Docs. 17, 21, & 22.*) Plaintiff has filed timely Objections to two of the three Reports. (*See Objections, Docs. 25 & 26.*) Thus, this matter is ripe for the Court's review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has completed a de novo review of the record in this case. Upon review, the Court agrees with the thorough analysis contained in the Reports. The Court finds that Plaintiff's Objections have been fully addressed and adjudicated in the Reports. The Court will nevertheless address Plaintiff's Objections to ensure a clear statement of the

basis for the Court's findings.

Plaintiff solely objects to Magistrate Judge Litkovitz's recommendation that this Court deny Plaintiff's Motions for Preliminary Injunctions. (*See* Objections, Docs. 25 & 26.) Plaintiff moves for a preliminary injunction in the form of an institutional transfer, maintaining that prison officials at the Southern Ohio Correctional Facility ("SOCF") are hindering him from proceeding with this civil suit. (Motions for Preliminary Injunctions, Docs. 15 & 18.) Magistrate Judge Litkovitz recommends denying Plaintiff's requests for injunctive relief because Plaintiff has not presented sufficient evidence to warrant such a remedy. (Reports, Docs. 17 & 21.) Plaintiff objects to Magistrate Judge Litkovitz's recommendations, maintaining that he can demonstrate irreparable harm to support the issuance of a preliminary injunction. (Objections, Doc. 24 & 26.) But Plaintiff's Objections lack merit.

A district court is vested with discretion to determine whether to issue a preliminary injunction. *See* Fed. R. Civ. P. 65(b); *Deja Vu of Cincinnati, L.L.C. v. Union Twp. Bd. of Trs.*, 411 F.3d 777, 782 (6th Cir. 2005). "The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held." *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981). Thus, "[a] party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party's motion and the conduct asserted in the complaint." *Colvin v. Caruso*, 605 F.3d 282, 300 (6th Cir. 2010) (citation omitted). Put another way, "[a] court may not grant a preliminary injunction when the issues raised in the motion are entirely different from those raised in the complaint." *Frost v. Stalnaker*, No. 1:09-cv-662, 2009 U.S. Dist.

LEXIS 107787, at \*2 (S.D. Ohio Nov. 18, 2009) (citations omitted).

In his Objections, Plaintiff cites to extensive mistreatment he has experienced at the SOCF since filing this suit to demonstrate irreparable harm. (*See* Objections, Docs. 24 & 26.) But the instances of mistreatment cited by Plaintiff are new allegations of unconstitutional treatment from new, unidentified individuals. (*See* Objections, Docs. 24 & 26.) This evidence of harm does not arise from the original Complaint. (*See* Compl., Doc. 1.) Plaintiff has thus failed to provide a sufficient basis for granting injunctive relief in this suit. *See Colvin*, 605 F.3d at 300 (finding that inmate “had no grounds to seek an injunction pertaining to allegedly impermissible conduct not mentioned in his original complaint.”).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon review, the Court finds that Plaintiff’s Objections (Docs. 24 & 26) are not well-taken and are accordingly **OVERRULED**. Thus, the Court **ADOPTS** Magistrate Judge Litkovitz’s Reports and Recommendations (Docs. 17, 21, & 22) in their entirety and **ORDERS** the following:

1. Plaintiff’s Motions for Preliminary Injunction (Docs. 15 & 16) are **DENIED**; and
2. Plaintiff’s Motion for Outside Medical Attention (Doc. 19) is **DENIED**.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND